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The scope and application of the principle of universal jurisdiction

Report of the Sixth Committee

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I. Introduction

1. The item entitled "The scope and application of the principle of universal jurisdiction" was included in the provisional agenda of the sixty-sixth session of the General Assembly pursuant to Assembly resolution 65/33 of 6 December 2010.

2. At its 2nd plenary meeting, on 16 September 2011, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 12th, 13th, 17th and 29th meetings, on 12 and 21 October and on 9 November 2011. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/66/SR.12, 13, 17 and 29).

4. For its consideration of the item, the Committee had before it the reports of the Secretary-General, submitted to the General Assembly at its sixty-fifth and sixty-sixth sessions (A/65/181 and A/66/93 and Add.1).

5. At its 1st meeting, on 3 October, the Sixth Committee established a working group pursuant to General Assembly resolution 65/33 to undertake a thorough discussion of the scope and application of the principle of universal jurisdiction; at its 7th meeting, on 6 October, the Committee elected Mr. Eduardo Ulibarri (Costa Rica) Chair of the Working Group (see A/C.6/66/SR.1 and 7). The Working Group held three meetings, on 13, 14 and 20 October.[1]

[1] The working group agreed upon an informal working paper (A/C.6/66/WG.3/1); see also A/C.6/66/SR.17.

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6. At its 17th meeting, on 21 October, the Committee heard the oral report of the Chair of the Working Group (see A/C.6/66/SR.17).

II. Consideration of draft resolution A/C.6/66/L.19

7. At the 29th meeting, on 9 November, the representative of the Democratic Republic of the Congo, on behalf of the Bureau, introduced a draft resolution entitled "The scope and application of the principle of universal jurisdiction" (A/C.6/66/L.19) and orally revised operative paragraph 4 of the draft resolution, which read:

> "4. *Decides* to open the Working Group to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency and to invite relevant observers of the General Assembly to participate in the work of the Working Group",

so that it read:

> "4. *Decides* that the Working Group shall be open to all Member States and that relevant observers to the General Assembly will be invited to participate in the work of the Working Group".

8. At the same meeting, the Committee adopted draft resolution A/C.6/66/L.19, as orally revised, without a vote (see para. 9).

III. Recommendation of the Sixth Committee

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

The scope and application of the principle of universal jurisdiction

The General Assembly,

Reaffirming its commitment to the purposes and principles of the Charter of the United Nations, to international law and to an international order based on the rule of law, which is essential for peaceful coexistence and cooperation among States,

Recalling its resolutions 64/117 of 16 December 2009 and 65/33 of 6 December 2010,

Taking into account the comments and observations of Governments and observers and the discussions held in the Sixth Committee at the sixty-fourth, sixty-fifth and sixty-sixth sessions of the General Assembly, on the scope and application of universal jurisdiction,[1]

Recognizing the diversity of views expressed by States and the need for further consideration towards a better understanding of the scope and application of universal jurisdiction,

Reiterating its commitment to fighting impunity, and noting the views expressed by States that the legitimacy and credibility of the use of universal jurisdiction are best ensured by its responsible and judicious application consistent with international law,

1. *Takes note with appreciation* of the report of the Secretary-General prepared on the basis of comments and observations of Governments and relevant observers;[2]

2. *Decides* that the Sixth Committee shall continue its consideration of the scope and application of universal jurisdiction, without prejudice to the consideration of this topic and related issues in other forums of the United Nations, and for this purpose decides to establish, at its sixty-seventh session, a working group of the Sixth Committee to continue to undertake a thorough discussion of the scope and application of universal jurisdiction;[3]

3. *Invites* Member States and relevant observers, as appropriate, to submit, before 30 April 2012, information and observations on the scope and application of universal jurisdiction, including, where appropriate, information on the relevant applicable international treaties, their domestic legal rules and judicial practice, and

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[1] See *Official Records of the General Assembly, Sixty-fourth Session, Sixth Committee*, 12th, 13th and 25th meetings (A/C.6/64/SR.12, 13 and 25), and corrigendum; ibid., *Sixty-fifth Session, Sixth Committee*, 10th to 12th, 27th and 28th meetings (A/C.6/65/SR.10–12, 27 and 28), and corrigendum; and ibid., *Sixty-sixth Session, Sixth Committee*, 12th, 13th, 17th and 29th meetings (A/C.6/66/SR.12, 13, 17 and 29), and corrigendum.

[2] A/66/93 and Add.1; see also A/65/181.

[3] The Working Group will take into account the informal working paper of the Working Group at the Sixty-sixth session (A/C.6/66/WG.3/1).

requests the Secretary-General to prepare and submit to the General Assembly, at its sixty-seventh session, a report based on such information and observations;

4. *Decides* that the Working Group shall be open to all Member States and that relevant observers to the General Assembly will be invited to participate in the work of the Working Group;

5. *Also decides* to include in the provisional agenda of its sixty-seventh session the item entitled "The scope and application of the principle of universal jurisdiction".